

UNITED STATES DISTRICT COURT
DISTRICT OF MASS
IN CLERKS OFFICE

DARISH

2004 JUN 25 P 12:12

V.

DEPT of SOCIAL SERVICES ET AL

U.S. DISTRICT COURT
DISTRICT OF MASS

CV-11004

Now comes NORMAN DARISH ("petitioner") who moves this court, not dismiss his petition, that he may be heard on the merits, or in the alternative, issue an order, compelling the defendants in the above entitled case, to provide the information requested by plaintiff, via a Freedom of Information request.

As grounds, petitioner submits, there are examples of Mass state agencies^① that comply with a "FOIA" including but not limited to: Mass Dept of Public Health (which complied with petitioner's original request); Mass Dept of Corrections; Mass ATT. General (see copies marked A/B). Petitioner also believes the Mass Dept of Social Services receives Federal money, and is subject to Quasi-Federal jurisdiction, having been "touched" by Federal funds.

① petitioner believes, these agencies receive Federal money, and as such are under Quasi-Federal jurisdiction and control

Petitioner further asserts, he is entitled, as a matter of law, to his own evaluative/medical notes and records, held by Cheryl Kuntz of Childrens Charter, Waltham, Mass; as they bear on him directly.

Petitioner respectfully requests, his petition not be dismissed and an order to issue.

Respectfully Submitted,
Norman Danush pro se
843 Watertown St.
Newton, MA 02465
Tel 617 244 6246

EMH A

<http://hcs.harvard.edu/~hpag/prisons-ddu.htm>

hpaonline

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Prison Advocacy

Control Unit Fact Sheet
Prepared by AFSC

WHAT ARE CONTROL UNITS?

Massachusetts prisons contain control or segregation units. The DOC Departmental Disciplinary Unit (DDU) at MCI-Cedar Junction, the maximum-security prison in Walpole, is but one example of these prisons within prisons, as is the Closed Custody Unit (CCU) at MCI-Framingham. A 1998 Massachusetts Department of Correction-commissioned report identifies some common features of control units. The only study ever conducted on the DDU was completed in 1998. The DOC only released this study to the public in 2002 after legal pressure was applied under the Freedom of Information Act. Human beings are locked down in solitary confinement for 23 to 24 hours a day. When out of their cells, prisoners' movement is greatly restricted by hand cuffs and ankle shackles. Visits are non-contact, and the number of visits and telephone calls permitted is severely limited. Outdoor recreation takes place in individual cages that resemble slightly modified dog kennels. All meals are taken inside the cell. The availability of prison rehabilitation and work programs, recreation, clergy, and treatment providers is greatly restricted or eliminated. From 1992 to 1998, the Department of Correction (DOC) sent 670 male prisoners to the DDU. During this period, 123-168 people were sentenced to the DDU each year. As of 1998 the DDU contained 124 cells. The maximum-security half of the Souza-Baranowski Correctional Center in Shirley houses prisoners in conditions of total lock down for 23 to 24 hours per day, as do the segregation unit and Health Services Unit in this prison. Souza-Baranowski is designed to maximize control of prisoners, including extensive checkpoints.

CONTROL UNITS ARE TORTURE CHAMBERS

The United Nations has stated that control unit conditions in the United States constitute torture. Their purpose is purely punitive, employing sensory deprivation and total isolation that leave many prisoners mentally and physically scarred. Prisoners in control units experience no direct human contact except when being shackled by guards. Harvard Medical School psychiatrist Dr. Stuart Grassian writes, "The courts have recognized that solitary confinement itself can cause a very specific kind of psychiatric syndrome, which in its worst stages can lead to an agitated, hallucinatory, confusional psychotic state often involving random violence and self-mutilation, [and]."

OFFICE OF THE ATTORNEY GENERAL

Civil Rights Complaint Form

EXH. B

TOM REILLY
ATTORNEY GENERAL



Civil Rights Division
One Ashburton Place
Boston, MA 02108
(617) 727-2200
(617) 727-4765 (TTY)

If, due to a disability, you seek an accommodation in filing
a complaint, please call 727-2200 or TTY 727-4765.

COMPLAINANT

Name _____
Address _____

Phone # (home) _____
Work # (other) _____

COMPLAINT AGAINST

Name _____
Address _____

Phone # _____
Relationship to you _____

NATURE OF COMPLAINT (please check)

- (1) ☐ Employment Discrimination
(2) ☐ Housing Discrimination
(3) ☐ Credit Discrimination
(4) ☐ Harassment ☐ Intimidation ☐ Threats ☐ Coercion
(5) ☐ Other _____

If you have checked any of the above, please indicate the basis of the civil rights violation or discrimination
below (you may check more than one category):

☐ Race ☐ National Origin ☐ Disability ☐ Religion ☐ Sexual Orientation ☐ Gender
☐ Age ☐ Ethnicity ☐ Section 8 Status (Housing) ☐ Children (Housing)
☐ Public Assistance (Housing) ☐ Marital Status (Housing)
☐ Retaliation for Filing a Complaint ☐ Other: _____

(6) ☐ Complaint Against Police Officer/Department _____
(City/Town)

(over)

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Please summarize the nature of your complaint. Please include specific dates, names and addresses of individuals and witnesses involved, and any other information which you believed is necessary in order for this office to evaluate your complaint.

☐ YES, you may release my name and address pursuant to a Freedom of Information Act request.

☐ No, please do not release my name and address.

Please be advised that should this office decide to pursue this matter, we will require your written consent in order to release the contents of your complaint to interested parties.

ATTEST THAT:

ATTEST THAT THE STATEMENTS MADE IN THIS COMPLAINT ARE TRUE TO THE
BEST OF MY KNOWLEDGE.

Our signature: _____

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